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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION**

11 BEVERLY SULLIVAN, ) Case No.:  
12 )  
13 Plaintiff, ) **COMPLAINT FOR DAMAGES FOR PERSONAL**  
14 vs. ) **INJURIES**  
15 ) **DEMAND FOR JURY TRIAL**  
16 AQUA-ASTON HOSPITALITY, LLC, )  
17 DBA ASTON KONA BY THE SEA )  
18 HOTEL; AQUA-ASTON HOLDINGS, )  
19 INC; DOES 1-25, )  
20 Defendants.)  
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29 Plaintiff, BEVERLY SULLIVAN, complains of Defendants and  
30 alleges and avers the following:

31 **INTRODUCTION**

32 1. This civil action seeks compensatory damages arising from a  
33 trip and fall while Plaintiff, BEVERLY SULLIVAN, was an invitee on  
34 the property owned and maintained by Defendants AQUA-ASTON  
35 HOSPITALITY, LLC, DBA ASTON KONA BY THE SEA HOTEL; AQUA-ASTON  
36 HOLDINGS, INC; DOES 1-25, located at 2155 Kalakaua Ave, 5th Floor,  
37 Honolulu, HI 96815.  
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**PARTIES**

2. At all relevant times, Plaintiff, BEVERLY SULLIVAN was an individual residing in the City of Redondo Beach, Los Angeles County, California.

3. At all times herein mentioned, Defendants AQUA-ASTON HOSPITALITY, LLC, DBA ASTON KONA BY THE SEA HOTEL; AQUA-ASTON HOLDINGS, INC, and each of them, were and now are corporations or other types of business entities duly organized and existing under the laws of the State of Hawaii or some other State in the United States.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 25 are unknown to plaintiff who therefore sues said defendants by such fictitious names, and plaintiff will ask leave of court to show their true identities when the same shall be ascertained.

5. Plaintiff is informed and believe, and based upon such information and belief alleges, that each defendant designated herein as a DOE is responsible negligently, intentionally, recklessly or in some other manner for the events and happenings referred to herein, and proximately caused those injuries and damages to the plaintiffs as are hereinafter set forth, either through said Defendant's own conduct, or through the conduct of their agents, servants or employees, and each of them, or due to said Defendant's importation, design, ownership, possession, supervision, maintenance, inspection, repair, control, entrustment, use, furnishing, manufacturing or sale of the premises or instrumentalities which caused the injuries or damages herein alleged.

6. At all times mentioned herein, each of the Defendants was the agent, servant, employee and/or independent contractor of their co-defendants, and were at all times acting within the course, scope, purpose and authority of such agency and employment, and acting with the express or implied knowledge, permission or consent of the remaining Defendants, and each of them.

7. At all times herein mentioned, Defendant AQUA-ASTON HOSPITALITY, LLC, DBA ASTON KONA BY THE SEA HOTEL; AQUA-ASTON HOLDINGS, INC, and DOES 1 through 15, and each of them, possessed, owned, operated, maintained, repaired, inspected, constructed, controlled, or were the lessors or lessees of certain premises and real property located at 2155 Kalakaua Ave, 5th Floor, Honolulu, HI 96815.

## JURISDICTION AND VENUE

8. Plaintiff is, and at all times mentioned herein was,  
domiciled in and a citizen of the State of California.

9. Defendants AQUA-ASTON HOSPITALITY, LLC, DBA ASTON KONA BY THE SEA HOTEL; AQUA-ASTON HOLDINGS, INC are, and at all times mentioned herein were, corporations duly organized and existing under the laws of the State of Hawaii with a principle place of business in Orlando, FL, such that every issue of law and fact is wholly between citizens of different states.

10. This action is of a civil nature and the amount in controversy without interest and costs exceeds the sum specified by 28 USC § 1332, consisting of a left leg fracture requiring surgeries and medical expenses to-date in excess of \$150,000.00.

1 11. Venue is proper in this Court under 28 USC § 1391(c)  
2 because Defendant is subject to personal jurisdiction of this Court  
3 due to its contacts and connections with this State and district.

4 **COMMON ALLEGATIONS**

5 12. On or about November 15, 2019 at approximately 3:00 AM,  
6 Plaintiff BEVERLY SULLIVAN was lawfully upon the premises at the  
7 invitation of the Defendants, and each of them.

8 13. At said time and place, Defendants, and each of them, so  
9 negligently, intentionally, recklessly or otherwise tortiously  
10 owned, operated, maintained, repaired, inspected, installed,  
11 constructed, leased, furnished or controlled said premises, which  
12 were in a dangerous and defective condition at said time and prior  
13 thereto, which was created by defendants, and each of them, or was  
14 known for such a period of time that in the exercise of reasonable  
15 care should have been known to the Defendants and either remedied or  
16 warned against, consisting of a negligently constructed, maintained  
17 and designed bathroom area which created a wet and unsafe slippery  
18 walking surface presenting an unreasonable slip hazard.

19 14. As a direct and legal consequence of said tortious acts,  
20 omissions or conduct of the Defendants, and each of them, Plaintiff  
21 BEVERLY SULLIVAN slipped and fell, resulting in the hereinafter  
22 described injuries and damages to Plaintiff.

23 15. As a direct and legal cause of said tortious acts,  
24 omissions or conduct of the Defendants, and each of them, Plaintiff  
25 BEVERLY SULLIVAN has sustained and incurred the following losses,  
26 injuries and damages:

27 (a) Disabling, serious and permanent personal injuries, pain,  
28 suffering and anguish in connection there with, all to plaintiff's

1 general damage in a sum in excess of the jurisdictional limit of  
2 \$100,000.00;

3 (b) Expenditures for past, present and future hospital, medical  
4 and related services and incidental expenses reasonably and  
5 necessarily incurred in connection with the treatment of plaintiffs  
6 said injuries, and other items of special damages, altered  
7 plaintiffs damage in a sum to be determined according to proof at  
8 the time of trial;

9 (c) Interest, according to proof.

10 WHEREFORE plaintiff prays for judgment against the defendants,  
11 and each of them, as follows:

- 12 1. General damages in a sum in excess of \$100,000.00;
- 13 2. All hospital, medical and related services, incidental  
14 expenses and other items of special damages according to  
15 proof;
- 16 3. Costs of suit incurred herein;
- 17 4. All interest allowed under the law; and
- 18 5. For such other and further relief as this Court may deem  
19 just and proper.

20 **DEMAND FOR JURY TRIAL**

21 Plaintiff hereby demands a trial by jury.

22 DATED: November 3, 2021

23  
24 /s/Michael Stone-Molloy  
25 Michael Stone-Molloy, Esq.  
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